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Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: FOSAMAX PRODUCTS)
LIABILITY LITIGATION)
_____)
This document relates to:)
Jennifer Bogard and Robert Bogard)
v. Merck & Co., Inc.)
Case No: 1:07-cv-03295-JFK)
_____)

MDL NO. 1789
1:06-md-1789 (JFK)

**NOTICE OF MOTION OF DEFENDANT MERCK & CO., INC. TO DISMISS
WITH PREJUDICE FOR FAILURE TO PROVIDE PLAINTIFF PROFILE FORM**

PLEASE TAKE NOTICE that, upon the Notice of Motion of Defendant Merck & Co., Inc., the Declaration of Theodore V. H. Mayer, and the accompanying Memorandum of Law in Support of its Motion to Dismiss with Prejudice for Failure to Provide Plaintiff Profile Form, Defendant Merck & Co., Inc. will move this Court before the Honorable Judge John F. Keenan, in the United States Courthouse for the Southern District of New York, for an Order dismissing the above referenced case with prejudice for failure to provide Plaintiff Profile Form.

Dated: New York, New York
September 5, 2007

Respectfully submitted,

HUGHES HUBBARD & REED LLP

By: /s/
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